REMARKS

The Examiner is thanked for the due consideration of the application.

Claims 1-12 are pending in the application. Claims 1 and 9 have been particularly amended to set forth that the rod is a "smooth" rod that is "being fitted with" an air intake strainer. By this, it is clear that the rod 10 is not perforated and is fitted at its apex with an intake strainer 15, which has a tapered tip. This is clearly evident in Figure 4 of the application, which is reproduced below.

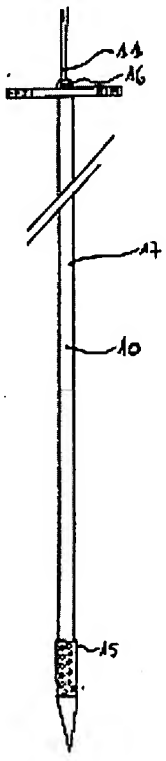


FIG 4

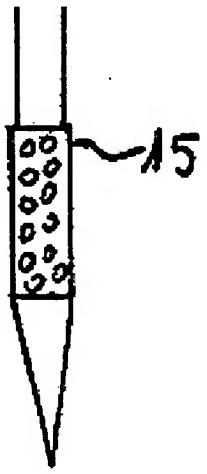
Further amendments to the claims have been made to improve the language in a non-narrowing fashion.

Claim 12 is new and recites a tapered air intake strainer.

Rejection Under 35 USC §112, First Paragraph

Claims 9-11 have been rejected under 35 USC §112, first paragraph as failing to comply with the written description requirement. This rejection is respectfully traversed.

The Official Action asserts that the limitation "tapered air strainer" represents new matter. However, the tapering of the air strainer 15 is clearly depicted in the drawing figures, for example, in the excerpt from Figure 4, below.



If desired, the specification can be amended to explicitly state that the air strainer is tapered.

The present invention, as a result, was sufficiently described in the original disclosure to demonstrate possession of the present invention at the time the application was filed.

This rejection is believed to be overcome, and withdrawal thereof is respectfully requested.

Rejections Based on SCHNEIDER

Claims 1 and 2 have been rejected under 35 USC §103(a) as being unpatentable over SCHNEIDER (U.S. Patent 4,670,148) in view of KATZ (U.S. Patent 4,838,733) and YAO (U.S. Patent 6,541,073). Claims 3, 4 and 8 have been rejected under 35 USC §103(a) as being unpatentable over SCHNEIDER in view of KATZ and YAO, and further in view of NOBLE (U.S. Patent 4,442,974). Claims 5, 6, 9 and 10 8 have been rejected under 35 USC §103(a) as being unpatentable over SCHNEIDER in view of KATZ, YAO, and NOBLE, and further in view of JOHNSON (U.S. Patent 4,026,355). Claims 7 and 77 have been rejected under 35 USC §103(a) as being unpatentable over SCHNEIDER in view of KATZ, YAO, NOBLE, and JOHNSON, and further in view of JACKSON (U.S. Publication 2002/0023505).

These rejections are respectfully traversed.

The present invention pertains to a system for regulation and discontinuous measurement of an oxygen content or a content of any other gas in platforms for composting or processing waste, in the form of swaths. The present invention is illustrated, by way of example, in Figure 3 of the application, which is reproduced below.

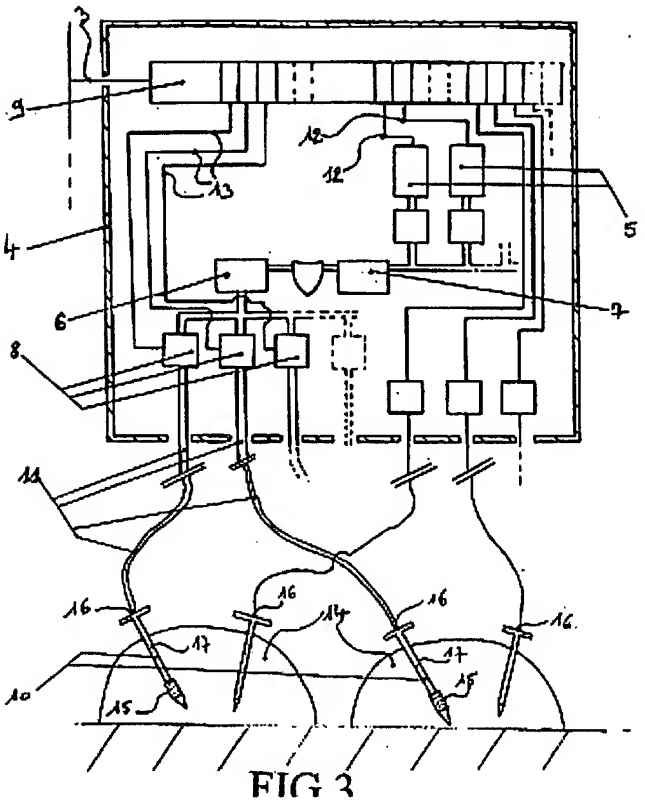


FIG 3

As is shown in the figure above, at least one remote bay has at least one gas measurement probe, the measurement probe being at least one oxygen or CO_2 measurement probe. A gas intake pump and electric valves are operated by a program controller, and a pipe connects each of the electric valves to a gas sampling device, the electric valves being coupled to the pump allowing the air and the gases contained in this air at each sampling device to be drawn in successively and sent to the measurement probe.

The sampling device is a smooth sampling rod with two opposite ends able to be driven into the pile(s) of waste or compost. Each one of the smooth sampling rods corresponds to one

single pipe and being fitted with an air intake strainer at one end, the pipe being connected at the other end of the rod, and the oxygen measurement probe is able to supply within a very short response time the measurement of the oxygen content of several swaths and that consequently this probe is a heated zirconium oxide sensor with a response time less than ten seconds.

The aspects of the present invention discussed above are reflected in independent claims 1 and 9.

SCHNEIDER pertains to withdrawing gaseous decomposition products from a refuse dump. The Official Action refers to Figures 1 and 2 of SCHNEIDER, which are reproduced below.

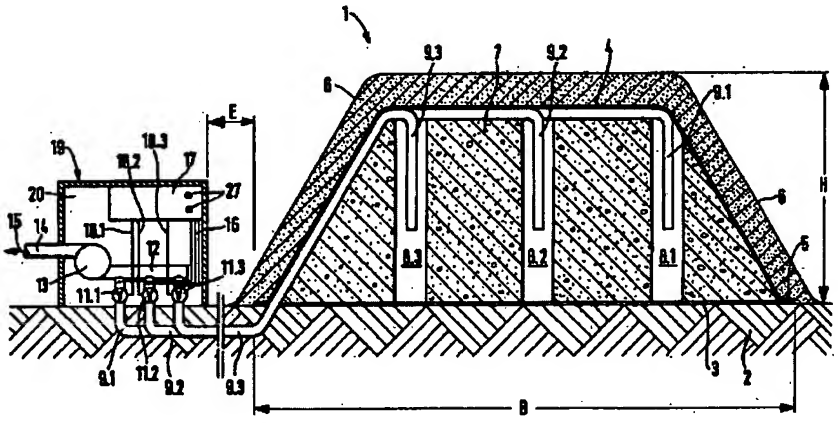


FIG.1

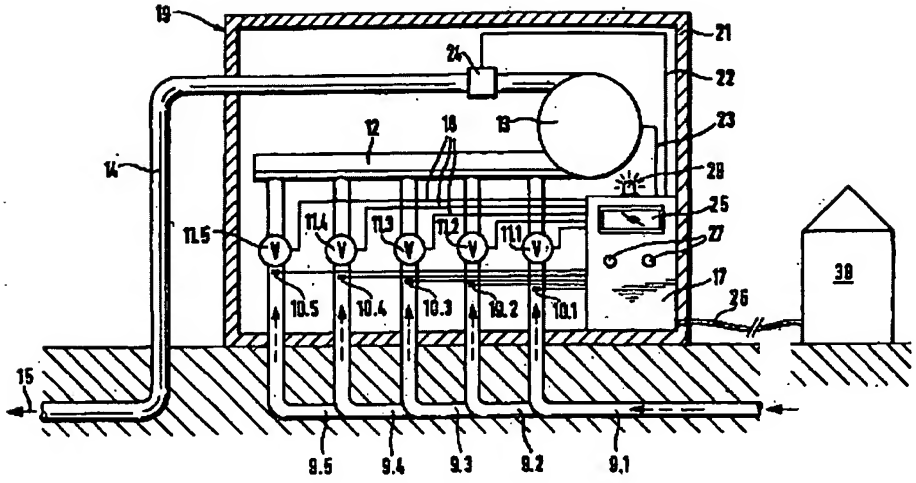


FIG. 2

The Official Action acknowledges that SCHNEIDER fails to disclose an air intake strainer. The Official Action refers to KATZ to address this deficiency, especially an annotated Figure 6 of KATZ, which is reproduced below.

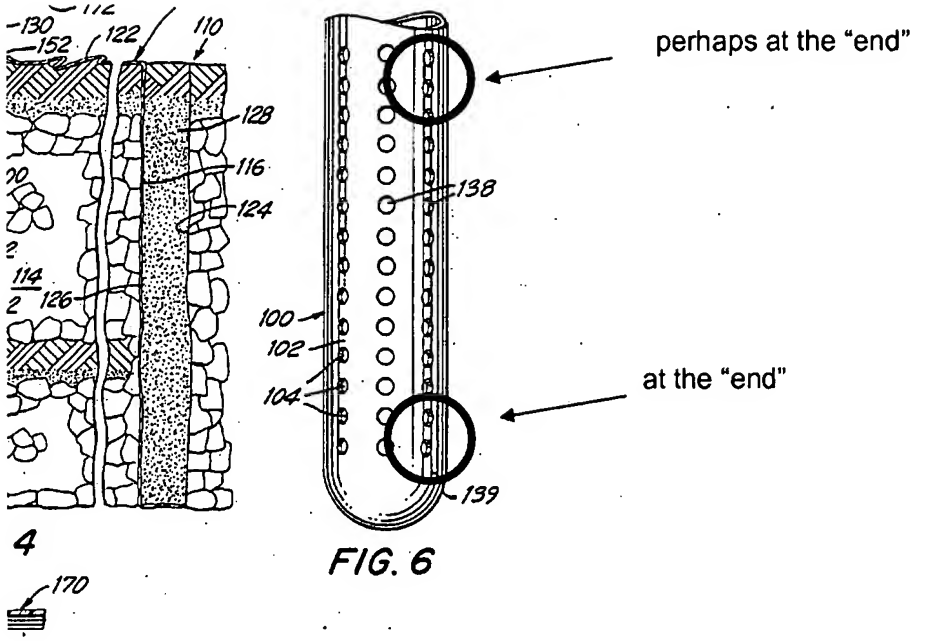


FIG. 6

First, the perforated tube of KATZ is unsuitable for the sampling required of the present invention. This is clearly evident from the passage at column 5, lines 34-46 of KATZ:

> A typical arrangement of apertures **138** is shown in **FIG. 6**. The total area of all of the apertures **138** is great enough to reduce the velocity of the flow of gases into each aperture **138** to a low value, while the volumetric flow rate into the draw tubes **132** is very high so that the full volume of extracted gases is accommodated with a very low entrance velocity at each aperture **138**. The low entrance velocity reduces any tendency for fouling of the apertures **138** by debris from the landfill volume **114**. Draw tubes **132** may be constructed of steel or of a synthetic resin material having the requisite strength to withstand both installation and use.

Second, the draw tube of KATZ is not "smooth", as is set forth in the present invention. That is, the draw tube of KATZ has perforations.

Third, the draw tube of KATZ has an end that is sealed. There is no way that the draw tube of KATZ can be considered to have "***smooth sampling rods*** corresponding to one single pipe and ***being fitted*** with an air intake strainer ***at one end***."

Fourth, the perforations along the draw tub of KATZ make it clear that the draw tube is engineered to outgas a large volume of waste, and the suitability of such a configuration for taking samples is problematic, especially in light of the limitation "the oxygen measurement probe is able to supply within a very short response time the measurement of the oxygen content of several swaths." That is, sampling by the several air intake strainers 15 is fundamentally different from the object of the draw tubes 132 of KATZ.

The Official Action turns to YAO for teachings pertaining to zirconium oxide. The paragraph at column 1, lines 19-28 states that zirconium oxide can be used as an oxygen sensor. However, YAO fails to disclose "a heated zirconium oxide sensor with a response time less than ten seconds," such as is set forth in claim 1 of the present invention. See also claim 9.

At page 9 the Official Action refers to column 3, lines 15-28, column 5, lines 28-37 and column 6, lines 12-20 of YAO. However, these passages refer to the manufacture of zirconium oxide itself. There is no teaching in YAO of heating a zirconium oxide sensor in order to reduce response time.

The other applied art references do not address the deficiencies of SCHNIEDER, KATZ and YAO discussed above.

One of ordinary skill and creativity would thus fail to produce a claimed embodiment of the present invention from a knowledge of the applied art references. A *prima facie* case of unpatentability has thus not been made.

These rejections are believed to be overcome, and withdrawal thereof is respectfully requested.

Conclusion

It is believed that the rejections have been overcome, obviated or rendered moot and no issues remain. The Examiner is accordingly respectfully requested to place the application in condition for allowance and to issue a Notice of Allowability.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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